

FEDERAL REGISTER

VOLUME 19

NUMBER 94

Washington, Friday, May 14, 1954

TITLE 3—THE PRESIDENT PROCLAMATION 3054

WORLD TRADE WEEK, 1954

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS it is essential for the peace and security of the free world that our Nation and its friends throughout the world maintain and increase their individual and combined economic strength; and

WHEREAS the growth and prosperity of the nations of the free world depend to a significant degree upon the continued expansion of the exchange of their goods and services in world markets; and

WHEREAS mutual economic advantages accrue to buyer and seller, to producer and consumer, and to individuals and nations through the exchange of goods and services in world trade;

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning May 16, 1954, as World Trade Week; and I request the appropriate officials of the Federal Government and of the several States, Territories, possessions, and municipalities of the United States to cooperate in the observance of that week.

I also urge business, labor, agricultural, educational, and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of May in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-3729; Filed, May 13, 1954;
10:40 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL COMMUNICATIONS COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 6.334 as set out below:

§ 6.334 *Federal Communications Commission.* * * *

(d) Two assistant general counsels.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-3612; Filed, May 13, 1954;
8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

REVISION OF ANNUAL AND QUARTERLY REPORTING FORMS AND RULES

On March 30, 1954 the Securities and Exchange Commission invited comments and suggestions on proposals to revise Forms N-30A-1 and N-30B-1 (17 CFR 274.101 and 274.106), (the annual and quarterly reporting forms for registered management investment companies under section 30 of the Investment Company Act of 1940 and sections 13 and 15 (d) of the Securities Exchange Act of 1934) and on proposals to amend the related §§ 270.8b-2, 270.8b-23, 270.30a-3 and 270.30b1-2 (Rules N-8B-2, N-8B-23, N-30A-3 and N-30B1-2), to adopt a new § 270.8b-5 (Rule N-8B-5) and to rescind § 270.8c-1 (Rule N-8C-1). (See Investment Company Act Release No. 1957.) After considering all the comments and suggestions received, the Commission has adopted the proposed revisions of the above named forms and

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplement is now available:

Titles 4-5 (\$0.60)

Previously announced: Title 3, 1953 Supp. (\$1.50); Title 8 (\$0.35); Title 9 (\$0.50); Titles 10-13 (\$0.50); Title 16 (\$1.00); Title 17 (\$0.50); Title 18 (\$0.45); Title 20 (\$0.70); Titles 22-23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.45); Title 26: Parts 183-299, Revised 1953 (\$5.50); Titles 30-31 (\$1.00); Title 33 (\$1.25); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.65); Parts 91-164 (\$0.45); Parts 165 to end (\$0.60)

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Superintendent of Documents, Government
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rules, with certain modifications and has adopted § 270.8b-5 (Rule N-8B-5) and rescinded § 270.8c-1 (Rule N-8C-1).

The revisions in the annual and quarterly reporting forms have been adopted in the light of the recent thorough revisions of Form N-8B-1, the registration form for management companies under section 8 of the Investment Company Act of 1940. The two reporting forms together are, in general, designed to keep up-to-date the information required by Form N-8B-1. Information, which it appears to the Commission, should be reported currently will be supplied in the quarterly report. The quarterly report will not, however, have to be filed automatically for each quarter as at present, but only if one of the events required to be reported occurs and has not been reported elsewhere.

As a part of the Commission's program to eliminate duplication wherever possible, the revised Form N-30A-1 provides that many items of information can be omitted if a prospectus containing the same information has been filed with the Commission. A similar provision is included with respect to information already reported in a proxy statement. In addition, the definition of "previously reported" has been amended so as to make it unnecessary to file a quarterly report to furnish information already given in a prospectus, a proxy statement, or a report, including a stockholders report, filed with the Commission. The provisions of Rule N-8B-23 relating to incorporation by reference have also been broadened.

Copies of the revised Forms N-30A-1 and N-30B-1 may be obtained by any interested person upon request. The text of the new Rule N-8B-5 and the amended paragraphs of Rules N-8B-2, N-8B-23, N-30A-3 and N-30B1-2 are set forth below. Rule N-8C-1 and paragraph (d) of Rules N-30A-3 and N-30B1-2, which are no longer necessary, have been rescinded.

§ 270.8b-2 Definitions. * * *

Previously filed or reported. The terms "previously filed" and "previously reported" mean previously filed with, or reported in, a registration statement filed under section 8 of the act or under the Securities Act of 1933, a report filed under section 30 of the act or section 13 or 15 (d) of the Securities Exchange Act of 1934, a definitive proxy statement filed under section 20 of the act or section 14 of the Securities Exchange Act of 1934, or a prospectus filed under the Securities Act of 1933; provided, that information contained in any such document

shall be deemed to have been previously filed with, or reported to, an exchange only if such document is filed with such exchange.

§ 270.8b-5 *Time of filing Original Registration Statement.* An investment company shall file a registration statement with the Commission on the appropriate form within three months after the filing of notification of registration under section 8 (a) of the act, provided that if the fiscal year of the company ends within the three months period, its registration statement may be filed within three months after the end of such fiscal year.

§ 270.8b-23 *Incorporation by reference.* (a) Any registrant may incorporate by reference, in answer or partial answer to any item of a registration statement or report, any information contained elsewhere in the statement or report or any information contained in any other statement, report or prospectus filed with the Commission pursuant to any Act administered by it, provided that a copy of such other statement, report or prospectus is filed with each copy of the registration statement or report in which it is incorporated by reference. Matter contained in an exhibit, however, may be incorporated only to the extent permitted by § 270.8b-24 (Rule N-8B-24).

§ 270.30a-3 *Annual report for totally held registered investment company subsidiary of registered investment company.* Notwithstanding the provisions of § 270.30a-2 (Rule N-30A-2), a registered management investment company for which Form N-30A-1 (17 CFR 274.101) is appropriate for annual reports and which is a totally held subsidiary of a registered management investment company may file a statement in the form prescribed by paragraph (b) of this section in lieu of an annual report on Form N-30A-1 (17 CFR 274.101), if the following conditions are met:

- (1) The fiscal year of the subsidiary ends as of the same date as the fiscal year of the parent;
- (2) The information and exhibits required by Form N-30A-1 (17 CFR 274.101) with respect to the subsidiary are included in the annual report of the parent;
- (3) Financial statements for the subsidiary for the period required by Form N-30A-1 (17 CFR 274.101) are included in the annual report of the parent, either on a consolidated or separate basis; and
- (4) It is indicated on the facing page of the parent's annual report that such report is filed on behalf of itself and the subsidiary, naming the subsidiary.

§ 270.30b1-2 *Quarterly report for totally-held registered investment company subsidiary of registered investment company.* (a) Notwithstanding the provisions of § 270.30b1-1 (Rule N-30B1-1), a registered management investment company for which Form N-30B-1 (17 CFR 274.106) is appropriate for quarterly reports and which is a totally-held subsidiary of a registered management investment company may file a statement in the form prescribed by paragraph (b) of this section in lieu of a

quarterly report on Form N-30B-1 (17 CFR 274.106), if the following conditions are met:

- (1) The fiscal quarter of the subsidiary ends as of the same date as the fiscal quarter of the parent;
- (2) The information and exhibits required by Form N-30B-1 (17 CFR 274.106) with respect to the subsidiary are included in the quarterly report of the parent; and
- (3) It is indicated on the facing page of the parent's quarterly report that such report is filed on behalf of itself and the subsidiary, naming the subsidiary.

The above action has been taken pursuant to the provisions of sections 8, 30 and 38 (a) and (b) of the Investment Company Act of 1940, and sections 13, 15 (d) and 23 (a) of the Securities Exchange Act of 1934.

The foregoing action shall become effective on publication, May 6, 1954: *Provided*, That any report filed on Forms N-30A-1 or N-30B-1 prior to June 15, 1954, may be filed on the forms as previously in effect, if the registrant so elects.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37. Interpret or apply sec. 8, 30, 54 Stat. 803, 841; 15 U. S. C. 80a-8, 80a-29)

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

MAY 5, 1954.

[F. R. Doc. 54-3581; Filed, May 13, 1954; 8:47 a. m.]

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

ANNUAL AND QUARTERLY REPORT FORMS OF MANAGEMENT INVESTMENT COMPANIES

The following forms have been revised: § 274.101 Form N-30A-1, annual report of management investment companies registered under the Investment Company Act of 1940, and § 274.106 Form N-30B-1, quarterly report of management investment companies registered under the Investment Company Act of 1940.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

MAY 5, 1954.

[F. R. Doc. 54-3582; Filed, May 13, 1954; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes
[Reg. 10, Amdt.; (T. D. 6071)]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

BOTTLING IN BOND OF DISTILLED SPIRITS IN ½ GALLON AND 1 GALLON SIZE BOTTLES

In order that distilled spirits may be bottled in bond, either for domestic use

* Filed as part of the original document.

or for exportation, in 1/2 gallon and 1 gallon size bottles, Regulations 10 (26 CFR Part 185) are amended as follows:

PARAGRAPH 1. Section 185.924 is amended by inserting immediately after the colon in the second sentence the following: "1 gallon, 1/2 gallon."

PAR. 2. Section 185.925 is amended by inserting immediately after the colon in the first sentence the following: "1 gallon, 1/2 gallon."

PAR. 3. Section 185.940 is amended by inserting immediately after the colon in the first sentence the following: "4 bottles containing 1 gallon each; 6 bottles containing 1/2 gallon each;"

PAR. 4. Section 185.961 is amended by inserting immediately after the colon in the first sentence the following: "1 gallon, 1/2 gallon."

PAR. 5. Section 185.980 is amended by inserting immediately after the colon in the first sentence the following: "1 gallon, 1/2 gallon."

Because the changes made are of a liberalizing character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.
Approved: May 11, 1954.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 54-3602; Filed, May 13, 1954;
8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVII—Federal Civil Defense Administration

PART 1708—OFFICIAL CIVIL DEFENSE INSIGNE

RADIO AMATEUR CIVIL EMERGENCY SERVICE

Part 1708.3 of the Official Civil Defense Insigne Regulations (32 CFR Part 1708) is hereby amended by adding thereto the following section:

§ 1708.3 Prescribed insigne. . . .

(e) The following alterations or modifications of the prescribed insigne have been made pursuant to § 1708.5 (c):

(1) *Radio Amateur Civil Emergency Service.* (i) Superimposed on the official civil defense insigne a white jagged arrow edged in blue resembling a flash of lightning, symbolic of space radiation, containing the inscription "Radio" in blue letters, and extending from the upper right circumference of the blue circle and through the lower left-hand angle of the triangle. Below the triangle and within the blue circle is the inscription "Races" in white letters.

(ii) This design shall be used, displayed, possessed or worn in accordance with regulations issued by the Federal

Civil Defense Administration on July 12, 1952, governing the official civil defense insigne.

(Sec. 401, 64 Stat. 1254. 50 U. S. C. App. Supp. 2253. Interprets or applies sec. 204, 64 Stat. 1251; 50 U. S. C. App. 2284)

This amendment shall be effective on May 14, 1954.

[SEAL]

VAL PETERSON,
Administrator.

Federal Civil Defense Administration.

[F. R. Doc. 54-3634; Filed, May 13, 1954;
8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127 International Postal Service: Postage Rates, Service Available and Instructions for Mailing 39 CFR Part 127, make the following changes:

a. In § 127.48 *Forwarding* amend paragraph (e) (2) to read as follows:

(2) Ordinary air-mail letters (except those which appear to contain merchandise) and post cards may be redirected and forwarded to other countries by surface means, after obliterating the air-mail markings. The exchange office shall rate and mark such articles for collection of any necessary additional postage, allowing credit for the postage originally affixed.

b. In § 127.74 *Sealing* amend the list of countries in paragraph (a) by inserting in proper alphabetical order the following:

Luxembourg (Insured).

c. In § 127.79 *Group shipments* amend the list of countries in paragraph (b) by adding "(ordinary)" after Luxembourg.

d. In § 127.140 *Service available* insert "Luxembourg (surface only)" in proper alphabetical order.

e. In § 127.296 *Luxembourg (Grand Duchy)* make the following changes:

1. In paragraph (b) (1), make the following changes in the tabulated information appearing under the table of rates in subdivision (ii):

a. Amend the information opposite "Sealing:" to read as follows:

Insured parcels must, and ordinary parcels may, be sealed.

b. Amend the information opposite "Group shipments:" to read as follows:

Limited to ordinary parcels. (See § 127.79.)

c. Change "Insurance: No." to read: "Insurance: Yes (surface parcels only)."

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subparagraph (4) of this paragraph.

3. In paragraph (b), redesignate subparagraphs (4), (5), and (6) as subparagraphs (5), (6) and (7), respectively,

and insert new subparagraph (4), to read as follows:

(4) *Insurance.* (i) Surface parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable, in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee, cents
Not over \$10.....	20
From \$10.01 to \$25.....	25
From \$25.01 to \$50.....	35
From \$50.01 to \$100.....	55
From \$100.01 to \$165.....	60

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, both in United States currency and in gold francs, as per the following example:

Insured Value
\$25.75 (U. S.)
Twenty-five Dollars and Seventy-five cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

(iv) See § 127.143 (b), as to method of converting United States currency into gold francs.

(v) Parcels containing gold or silver, whether manufactured or unmanufactured; precious stones, jewelry or other precious articles must be insured.

(vi) For general information concerning insurance service see §§ 127.140 to 127.143, inclusive.

f. In § 127.306 *Morocco (French Zone)*, amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air-mail sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-3580; Filed, May 13, 1954;
8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

GERMANY

In § 127.261 *Germany* make the following changes:

1. In paragraph (b) (1) make the following changes in the tabulated information following the table of rates in subdivision (ii):

a. Change "Insurance: Yes" to read "Insurance: Yes".

b. Amend footnote 1 to read as follows:

* To the Soviet Zone, including the Soviet sector of Berlin, gift parcels are limited to 22 pounds in weight.

c. Add footnote 2 to read as follows:

* Insured parcels may be accepted only for the American, British, and French Zones (Western Zone), including the corresponding sectors of Berlin. Service to the Soviet Zone, including the Soviet sector of Berlin, is limited to uninsured parcels.

2. Amend subdivision (iii) of paragraph (b) (5) to read as follows:

(iii) *Soviet Zone (including the Soviet Sector of Berlin).* Gift parcels are limited to 22 pounds in weight, and may contain only necessary articles for the personal use of the addressee or members of his household. No such parcel may contain more than 8 3/4 ounces of coffee, 8 3/4 ounces of either cocoa or chocolate, and/or 1 3/4 ounces of tobacco products. Parcels not complying with the foregoing may be confiscated by the German authorities.

3. Amend paragraph (b) (7) to read as follows:

(7) *Import restrictions.* Commercial parcels for all zones require import licenses to be obtained by the addressees. (R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-3579; Filed, May 13, 1954;
8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders [Public Land Order 961]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 386 OF JULY 31, 1947

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Public Land Order No. 386 of July 31, 1947, withdrawing the public lands within certain described areas in Alaska for classification and survey is revoked so far as it affects the following described lands:

NORTHWAY

A tract of land lying on the south side of the Tanana River, more particularly described as follows:

Beginning at a point on left bank of Tanana River, opposite the mouth of Gardiner Creek, approximate latitude 62°50' N., approximate longitude 141°32' W., U. S. G. S. map, Topographic Reconnaissance Map Upper Tanana Valley 1922;

Thence S. 45° W. 10 miles;
Thence N. 55° W., approximately 22 miles, crossing Nabesna River to east bank of the Kalutna River;

Thence northwesterly following east bank of Kalutna to the south bank of the Tanana River; Thence southeasterly upstream, following left bank of Tanana River to the place of beginning.

Containing an estimated area of 325 sq. mi. (208,000 acres).

TANACROSS

A tract of land lying on the north side of the Tanana River, more particularly described as follows:

Beginning at a point on right bank of Tanana River approximate latitude 63°23'40" N., longitude 143°40' W., U. S. G. S. map, Topographic Reconnaissance Map Upper Tanana Valley 1922, and about 10 miles by airline down river from Tanacross Indian Village;

Thence northwesterly, approximately 2 miles to the summit of the divide between the streams flowing westerly into the Tanana River and streams flowing northerly and easterly into Lake Mansfield drainage basin;

Thence northerly along said divide to the watershed between the tributaries of George Creek and the streams flowing into Lake Mansfield drainage;

Thence northeasterly along that divide to the watershed between Wolf Creek and the streams flowing into Lake Mansfield drainage;

Thence along the divide, between streams flowing into the Yukon River Drainage and those flowing into the Tanana River, to the watershed on the west of Porcupine Creek;

Thence southwesterly along said watershed to the right bank of the Tanana River, approximate latitude 63°24' N., longitude 142°56' W.

Thence following the right bank of Tanana River westerly, down-stream, to the place of beginning.

This area includes the drainage basin on the north side of the Tanana River between the initial point and the western boundary of the Porcupine Creek Valley, and contains an estimated area of 440 square miles (282,000 acres).

In the Northway region, the lands are flat and marshy, and the area has a very short growing season, which seriously limits commercial agricultural land use. In the Tanacross area, cultivation is restricted by rolling, mountainous terrain, which is underlain by permafrost, and by a very limited growing season.

For a period of 91 days, commencing at 10:00 a. m. on the 35th day after the date of this order the public lands affected by this order shall, subject to valid existing rights, including the rights, if any, of the Natives of Alaska, and the provisions of existing withdrawals, be subject only to settlement under the homestead laws or the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law.

Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to settlement, petition, location, selection or other appropriation by the public generally as may be authorized by the public-land laws.

Settlement claims under the homestead laws shall be governed by the regulations contained in Parts 65 and 66, inclusive, of Title 43 of the Code of Federal Regulations, and such claims under the Alaska Home Site Act of May 26, 1934, shall be governed by the regula-

tions contained in §§ 64.6 to 64.10, inclusive, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

ORME LEWIS,

Assistant Secretary of the Interior.

MAY 10, 1954.

[F. R. Doc. 54-3572; Filed, May 13, 1954;
8:46 a. m.]

[Public Land Order 962]

MONTANA

RESERVING PUBLIC LANDS IN CONNECTION WITH JUDITH RIVER GAME RANGE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669-669j), and the act of March 10, 1934 as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661-666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Montana are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Department of Fish and Game of the State of Montana in connection with the Judith River Game Range, under such conditions as may be prescribed by the Secretary of the Interior:

MONTANA PRINCIPAL MERIDIAN

T. 13 N., R. 11 E.,
Sec. 16, NE 1/4 NE 1/4, NE 1/4 NW 1/4 and Lot 2;
Sec. 27, Lot 2, Lot 4 (except 13 acres of National Forest land), and Lot 5.

The tracts described aggregate 234.49 acres.

ORME LEWIS,

Assistant Secretary of the Interior.

MAY 10, 1954.

[F. R. Doc. 54-3571; Filed, May 13, 1954;
8:45 a. m.]

[Public Land Order 963]

ALASKA

REVOKING EXECUTIVE ORDER NO. 4683 OF JULY 4, 1927, AND WITHDRAWING POR- TIONS OF THE RELEASED LANDS FOR RE- CREATION AND OTHER PUBLIC PURPOSES

1. By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 4683 of July 4, 1927 as identified by U. S. Survey No. 1901, withdrawing the following-described lands for townsite purposes, is hereby revoked:

FAIRBANKS MERIDIAN

- T. 5 S., R. 4 E.,
 Sec. 35, Lot 1 and NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 6 S., R. 4 E.,
 Sec. 2, Lots 1, 2, 3, 5, 6, 7, 8, 9 and SW $\frac{1}{4}$;
 Sec. 11, Lots 1 to 8 incl., NW $\frac{1}{4}$ NW $\frac{1}{4}$ and
 SE $\frac{1}{4}$;
 Sec. 12, Lots 1 to 5 incl., SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 5 S., R. 5 E.,
 Sec. 31;
 Sec. 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$.
 T. 6 S., R. 5 E.,
 Sec. 5, Lots 2 to 7 incl., E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 6, Lot 2;
 Sec. 7;
 Sec. 8, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$;
 Sec. 18, Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The tracts described aggregate 3,370.90 acres.

2. Subject to valid existing rights, the following-described lands which are portions of the lands described in paragraph 1 hereof, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws and reserved under the jurisdiction of the Secretary of the Interior, for recreation and other public purposes:

FAIRBANKS MERIDIAN

- T. 6 S., R. 4 E.,
 Sec. 12, Lots 4 and 5, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 6 S., R. 5 E.,
 Sec. 7, Lots 5, 6, and 7 and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 18, Lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The tracts described aggregate 290.65 acres.

3. Blocks 1, 2, 3, 4, 4a, 5, 5a, 6, 7, 8, 8a, 9 and 10, together with the streets as shown on U. S. Survey No. 1901, which are portions of the lands described in paragraph 1, aggregating approximately 110.0 acres, have been patented.

4. Except as to their release from withdrawal by paragraph 1 hereof, the remaining public lands released from withdrawal by this order, aggregating approximately 2,970.25 acres, shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference-right period for filing such applications by veterans of World War II and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended. The order of classification will be published in the FEDERAL REGISTER.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ORME LEWIS,

Assistant Secretary of the Interior,

MAY 10, 1954.

[F. R. Doc. 54-3570; Filed, May 13, 1954;
 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket 10935; FCC 54-584]

[Rules Amdt. 9-4]

PART 9—AVIATION SERVICES

CONELRAD PLAN

1. The Commission has before it for consideration its CONELRAD Plan for the aviation radio services, which was released as a notice of proposed rule making on February 24, 1954 (19 F. R. 1186). The final date for filing comments was March 29, 1954, with one additional week allowed to permit the filing of replies to original comments.

2. The Commission has received two comments concerning the proposed Rules, one from the Department of Commerce, Civil Aeronautics Administration, and the second from Aeronautical Radio, Inc. There were no replies filed to the original comments. The CAA comment approved the rules as proposed.

3. The comment filed by Aeronautical Radio, Inc. (Arinc) requested that an additional section be added to the rules as follows:

§ 9.1206 *Administration*. The determination of any act or omission, permitted or prohibited by any licensee under the rules governing CONELRAD, shall be made by the FCC under the Communications Act of 1934, as amended.

4. It appears that Arinc is of the opinion that the above section should be added in order to preserve the Commission's authority to administer and enforce these rules. The Commission believes, however, that its authority to administer and enforce its own rules is clear, and that the additional section proposed by Arinc is therefore unnecessary and would serve no useful purpose.

5. Arinc also observed that the proposed CONELRAD rules would apply to aircraft radio stations as well as to ground stations in the Aviation Radio Services, and maintains that the operating features of CONELRAD plans are feasible only with respect to the ground stations.

6. The Commission is of the opinion that certain of the requirements contained in the proposed rules are not applicable to the operation of aircraft radio stations, therefore, § 9.1204 has been revised accordingly. Section 9.1205 has also been revised so as to apply only to ground stations, except that a new paragraph (b) has been added as follows:

(b) During a period of Radio Alert all aircraft radio stations in the aviation radio services will maintain radio silence, except for transmissions involving the national safety, or the safety of life and property in the air. Such operations will be in accordance with the CAA CONELRAD Plan dated May 1, 1953, and under the instructions of the appropriate ARTCC within whose flight advisory area the aircraft may be located.

7. The Commission is of the opinion that adoption of the proposed rules, as

revised in light of the comments received, will be in the public interest.

8. Accordingly, it is ordered, That under the authority of sections 303 (r) and 606 (c) of the Communications Act of 1934, as amended, and Executive Order 10312, signed by the President on December 10, 1951, Part 9 of the Commission's rules is amended as set forth below, effective thirty days after publication in the FEDERAL REGISTER.

Adopted: May 5, 1954.

Released: May 7, 1954.

FEDERAL COMMUNICATIONS
 COMMISSION,

[SEAL] MARY JANE MORRIS,
 Secretary.

The following new subpart is added to Part 9:

CONELRAD

- Sec.
 9.1201 Scope and objective.
 9.1202 General.
 9.1203 Definitions.
 9.1204 Alerting.
 9.1205 Operation.

AUTHORITY: §§ 9.1201 to 9.1205 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 606, 65 Stat. 4087; 47 U. S. C. 303, 606; E. O. 10312, 16 F. R. 12452; 3 CFR, 1951 Supp.

§ 9.1201 *Scope and objective*. (a) Sections 9.1201 to 9.1205 applies to all stations in the aviation services and is for the purpose of providing for the alerting and operation of radio stations in the aviation services during periods of air attack or imminent threat thereof.

(b) The aim of this plan is to minimize the navigational aid that may be obtained by an enemy from the signals of aviation radio stations, while simultaneously providing for continued radio service to the extent necessary for the safety or control of friendly aircraft.

§ 9.1202 *General*. All radio stations in the aviation services are required to provide for receiving the Radio Alert and to operate in accordance with §§ 9.1201 to 9.1205.

§ 9.1203 *Definitions*. (a) The term "CONELRAD" is a contraction of the words, "Control of Electromagnetic Radiation," and is the general term applied to the controlled operation of radio facilities under the authority of Executive Order 10312, dated December 10, 1951.

(b) Radio Alert is the term applied to the military warning that an air attack is probable or imminent, which automatically orders the immediate implementation of the controlled operations of all radio stations. The Radio Alert is distinct from the military or civil defense Warnings, Yellow, Red or White, but may be coincidental with such warnings.

§ 9.1204 *Alerting*. (a) All stations in the aviation services licensed by the Federal Communications Commission¹

¹ The term "licensed by" as used in §§ 9.1201 to 9.1205, includes all forms of authorizations under which a radio station is operated, including station licenses, STA's, etc.

will be responsible for making provisions to receive the Radio Alert when such an alert is ordered by appropriate military authorities. The Radio Alert may be received by one or more of the following methods:

(1) Ground stations directly connected to and in continuous communication with a CAA Air Route Traffic Control Center (ARTCC) may receive the Alert over the ARTCC circuit.

(2) Ground stations not connected to a CAA circuit, must:

(i) Provide a connection to an accessible CAA communications circuit, or

(ii) Provide a broadcast receiver to obtain the Radio Alert from any broadcast station (standard FM or TV) that can be heard, or

(iii) Provide a separate receiver to monitor another station in the Aviation Service which is in direct communication with a CAA Air Route Traffic Control Center, or

(iv) Provide any other suitable method which is approved by the CAA Regional Administrator and specifically authorized by the FCC.

(b) Ground stations in the aviation radio services when advised of a CONELRAD Radio Alert, are responsible for relaying the Alert to aircraft stations.

§ 9.1205 *Operation.* (a) During a period of Radio Alert all ground stations in the aviation services will maintain radio silence, unless required by appropriate CAA Air Traffic Control Center to remain on the air for the purpose of air traffic control. Such operations will be in accordance with the CAA CONELRAD Plans dated May 1, 1953, and instructions issued by the appropriate ARTCC, under the provisions of the U. S. Department of Defense "Security Control of Air Traffic during a Military Emergency" Plan, (SCAT Plan). Licensees of ground stations in the aviation services should contact the CAA Air Route Traffic Control Center, within whose flight advisory area the station is located, for the details of operation applicable to a specific station. When not required by CAA for the purposes of security control of air traffic, all ground stations in the aviation services will promptly leave the air and maintain radio silence for the duration of a Radio Alert, except as specifically authorized in the local Air Division (Defense) SCATER Plan or by an appropriate ARTCC.

(b) During a period of Radio Alert all aircraft radio stations in the aviation radio services will maintain radio silence, except for transmissions involving the national safety, or the safety of life and property in the air. Such operations will be in accordance with the CAA CONELRAD Plan dated May 1, 1953, and the instructions of the appropriate ARTCC within whose flight advisory area the aircraft may be located.

(c) None of the provisions in §§ 9.1201 to 9.1205 shall be interpreted to preclude the operation of certain stations in the aviation radio services in connection

with the activities of local, Federal, or State Civil Defense organizations, provided such operations are not in conflict with operations necessary for CAA Air Route Traffic Control, and such operations are specifically authorized by the Federal Communications Commission.

[F. R. Doc. 54-3611; Filed, May 13, 1954; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 6—FEES FOR COPYING, CERTIFICATION AND SERVICES IN CONNECTION THEREWITH

MAY 10, 1954.

Pursuant to the provisions of Title V of the Independent Offices Appropriation Act, 1952 (5 U. S. C. section 140), as implemented by Bureau of the Budget Circular No. A-28 dated January 23, 1954, addressed to Heads of Executive Departments and Establishments, the Interstate Commerce Commission has revised its schedule of fees for copying, certification and services in connection therewith, effective June 15, 1954.

§ 6.1 *Charges.* Certifications and copies of such tariffs, reports and other public records and documents on file with the Interstate Commerce Commission, as may be practicable to furnish, will be made on the following basis:

(a) Certificate of the Secretary 50 cents.

(b) Services involved in examination of tariffs or schedules for preparation of photostat copies or certified copies of tariffs or schedules or extracts therefrom, at the rate of \$3.00 per hour.

(c) Services involved in checking records to be certified to determine authenticity, the clerical work, etc., incidental thereto, at the rate of \$2.00 per hour.

(d) Photostat copies of tariffs, reports and other documents at the rate of 50 cents per exposure. Copy of one or more pages may be made with one exposure depending on size of page.

(e) Minimum charge of \$1.00 will be made for service and/or photostats.

(f) Payment must be made in cash or by postal money order or check payable to the order of the Treasurer of the United States and sent to the Secretary of the Interstate Commerce Commission, Washington 25, D. C. Remittance should not be drawn to the order of the Interstate Commerce Commission or its Secretary.

(g) Copies of transcript of testimony and transcript of argument, or extracts therefrom, in proceedings before the Commission, may be purchased from the Columbia Reporting Company, 939 D Street NW., Washington, D. C., the Official Reporter of the Commission for the current fiscal year. Under the contract, transcripts will be furnished to the public at the rate of 35 cents per page of approximately 200 words. Application

for copies and payment therefor should be made direct to the Official Reporter.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3564; Filed, May 12, 1954; 2:42 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries MISCELLANEOUS AMENDMENTS

Basis and purposes. On the basis of additional information developed through further discussion with various elements of the industry and study by the Fish and Wildlife Service, it has been determined that the following additional changes in the Alaska Commercial Fishery Regulations are in the public interest. They are to become effective 30 days after their publication in the FEDERAL REGISTER.

PART 102—GENERAL PROVISIONS

1. Section 102.51 is amended in text by deleting the words "which is permitted in commercial fishing."

PART 109—COOK INLET AREA

1. Section 109.2 is amended in paragraph (c) by deleting "August 8" and substituting in lieu thereof "August 12."

2. Section 109.51 is amended in paragraph (a) by deleting "Ship Creek."

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 118.5 is amended in text by deleting "August 22" and substituting in lieu thereof "August 18."

2. Section 118.17 is amended by deleting paragraphs (hh) and (ii).

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 119.10 is amended by adding paragraphs (v) and (w) to read as follows:

(v) Murder Cove: All waters north of the light.

(w) Slocum Inlet: All waters of the inlet.

PARTS 115-124

Notice is hereby given that the extensions to certain closed areas and the creation of others in Parts 115 through 124, as published in the FEDERAL REGISTER of February 20, 1953 (19 F. R. 1010), are effective only through December 31, 1955. (Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

RALPH A. TUDOR,
Acting Secretary of the Interior.

MAY 10, 1954.

[F. R. Doc. 54-3568; Filed, May 13, 1954; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 19]

CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

SPACE BONDED FOR STORAGE OF WHEAT

Notice is hereby given that, pursuant to the authority contained in section 251 of the Revised Statutes and sections 552, 553, 555, 556, 557, and 624 of the Tariff Act of 1930, as amended (19 U. S. C. 66, 1552, 1553, 1555, 1556, 1557, 1624), consideration is being given to the adoption of proposed rules regarding the handling of imported wheat being transported in bond under section 552 or 553, Tariff Act of 1930, as amended, or warehoused under section 557, Tariff Act of 1930, as amended.

Adoption of the proposed regulations would specifically prohibit the mixing, blending, commingling, or manipulation in customs bonded elevators, during transportation in bond, while on conveyor belts on the way to the exporting vessel or otherwise during lading under customs supervision, or while otherwise in customs custody, of imported wheat with domestic wheat of any class, except as specifically authorized pursuant to section 311 or 562, Tariff Act of 1930, as amended.

It is proposed to amend 19 CFR Part 19, by adding the following centerhead and new sections:

SPACE BONDED FOR THE STORAGE OF WHEAT

§ 19.29 Sealing of bins or other bonded space. All bins or other space bonded for the storage of imported wheat shall be sealed by customs officers by affixing customs locks or customs tyden seals to the rope or chain which controls the gear mechanism for opening the outlets, or such other method as will effectively prevent the removal of the wheat from, or access to the wheat in, the bonded space except under customs supervision.

§ 19.30 Domestic wheat not to be allowed in bonded space. The presence of domestic wheat in space bonded for the storage of imported wheat shall not be permitted.

§ 19.31 Bulk wheat of different classes and grades not to be commingled in storage. All wheat shall be stored by class and grade according to the Official Grain Standards of the United States in bins, compartments, or other enclosed spaces identified by clearly distinguishable insignia securely affixed thereto, so as to facilitate the maintenance of identity of the wheat. There shall be no mixing or commingling of different classes or grades of wheat in the same bin, battery of bins, or other bonded space. If the wheat is stored in bags or other transportation containers, such bags or containers shall be so marked and so placed in the warehouse that the

identity of the wheat will not be lost while in storage, to permit easy access to all lots, and to facilitate inspecting, sampling, and the identification of each lot.

§ 19.32 Wheat manipulation; reconditioning. (a) The mixing, blending, or commingling of imported wheat and domestic wheat as an incident of transportation or as an incident of exportation under transportation and exportation entries or withdrawals for exportation shall not be permitted. Applications for permission to manipulate wheat under the provisions of section 562, Tariff Act of 1930, as amended, shall be approved only after the concurrence of all interested Federal agencies has been furnished by the applicant.

(b) Where it is found that elevating, screening, blowing, fumigating, or drying of the wheat is essential to keep it in condition, the proprietor of the warehouse shall submit an application in writing to the collector. All such operations shall be performed under customs supervision adequate to preclude unauthorized access to the wheat.

§ 19.33 General order; transportation in bond. The provisions of §§ 19.29 through 19.32 shall be applicable to those parts of any premises in which imported wheat is stored in a general-order status, or stored pending exportation under an entry for exportation or for transportation and exportation.

§ 19.34 Customs supervision. Collectors of customs shall exercise such supervision and control over the transactions covered by §§ 19.29 to 19.33 as will insure that there will be no unauthorized access to the imported wheat and no unauthorized mixing, blending, or commingling of such imported wheat. Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody shall maintain such records as will enable customs officers to verify the handling to which the imported wheat has been subjected, and to establish whether there has been a proper accounting to customs for any increase in the quantity of the wheat or shortages resulting from shrinkage or other factors. Collectors of customs shall from time to time request the supervising customs agent for the district concerned to examine such records of importers, exporters, warehouse proprietors, bonded common carriers, and others handling such wheat in continuous customs custody as may be deemed necessary to ascertain whether there has been any failure to comply with the applicable customs laws and regulations.

This notice is published pursuant to section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments per-

taining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL]

D. B. STRUBINGER,

Acting Commissioner of Customs.

Approved: May 10, 1954.

H. CHAPMAN ROSE,

Acting Secretary of the Treasury.

[P. R. Doc. 54-3601; Filed, May 13, 1954; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

[Docket No. AO 254]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modella), Florida, from March 8 to March 11, 1954, both dates inclusive, after notice thereof published in the FEDERAL REGISTER (19 F. R. 909), on a proposed marketing agreement and order regulating the handling of avocados grown in South Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

On the basis of the evidence introduced at the hearing, and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on April 21, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 54-3089; 19 F. R. 2418). No exception to said recommended decision was filed.

Findings and conclusions. The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 54-3089; 19 F. R. 2418) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Marketing Agreement and Order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Avocados Grown in South Florida" and "Order Regulating the

Handling of Avocados Grown in South Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: May 11, 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order¹ Regulating the Handling of Avocados Grown in South Florida

Sec.

922.0 Findings and determinations.

DEFINITIONS

969.1 Secretary.
969.2 Act.
969.3 Person.
969.4 Production area.
969.5 Avocados.
969.6 Fiscal year.
969.7 Committee.
969.8 Grower.
969.9 Handler.
969.10 Handle.
969.11 District.

ADMINISTRATIVE BODY

969.20 Establishment and membership.
969.21 Term of office.
969.22 Nomination.
969.23 Selection.
969.24 Failure to nominate.
969.25 Acceptance.
969.26 Vacancies.
969.27 Alternate members.
969.28 Powers.
969.29 Duties.
969.30 Procedure.
969.31 Expenses and compensation.
969.32 Annual report.

EXPENSES AND ASSESSMENTS

969.40 Expenses.
969.41 Assessments.
969.42 Accounting.

REGULATIONS

969.50 Recommendations for regulation.
969.51 Issuance of regulations.
969.52 Modification, suspension, or termination of regulations.
969.53 Exemption certificates.
969.54 Inspection and certification.
969.55 Avocados not subject to regulations.
969.60 Reports.

MISCELLANEOUS PROVISIONS

969.61 Compliance.
969.62 Right of Secretary.
969.63 Effective time.
969.64 Termination.
969.65 Proceedings after termination.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.

969.66 Effect of termination or amendment.
969.67 Duration of immunities.
969.68 Agents.
969.69 Derogation.
969.70 Personal liability.
969.71 Separability.

AUTHORITY: §§ 969.0 to 969.71, inclusive, issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.

§ 969.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modella), Florida, from March 8 to March 11, 1954, both dates inclusive, upon a proposed marketing agreement and a proposed marketing order regulating the handling of avocados grown in South Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of avocados grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of avocados covered thereby; and

(5) All handling of avocados grown in the production area, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of avocados grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 969.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any Officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§ 969.2 Act. "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 969.3 Person. "Person" means an individual, partnership, corporation, association or any other business unit.

§ 969.4 Production area. "Production area" means the counties of Brevard, Osceola, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

§ 969.5 Avocados. "Avocados" means all varieties of avocados grown in the production area.

§ 969.6 Fiscal year. "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 969.7 Committee. "Committee" means the Avocado Administrative Committee established pursuant to § 969.20.

§ 969.8 Grower. "Grower" is synonymous with producer and means any person who produces avocados for market and who has a proprietary interest therein.

§ 969.9 Handler. "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting avocados owned by another person) who handles avocados or causes avocados to be handled.

§ 969.10 Handle. "Handle" means to sell, consign, deliver, or transport avocados within the production area or between the production area and any point outside thereof in the continental United States or Canada; *Provided*, That such term shall not include: (a) The sale or delivery of avocados to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing avocados for market; (b) the delivery of avocados to such a handler solely for the purpose of having such avocados prepared for market; or (c) the transportation of avocados by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such avocados prepared for market. In the event a grower sells his avocados to a handler who is not so registered with the committee, such grower shall be the first handler of such avocados.

§ 969.11 District. "District" means the applicable one of the following described subdivisions of the production area:

(a) "District 1" shall include Dade County.

(b) "District 2" shall include all of the production area except Dade County.

ADMINISTRATIVE BODY

§ 969.20 Establishment and membership. There is hereby established an Avocado Administrative Committee con-

sisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. Four of the five grower members shall be producers of avocados in District 1, and one grower member shall be a producer of avocados in District 2. Three of the four handler members shall be handlers, or employees of handlers, of avocados in District 1, and one handler member shall be a handler, or an employee of a handler, of avocados in District 2.

§ 969.21 Term of office. The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 969.22 Nomination—(a) Initial members. Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than ten calendar days prior to the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 969.20.

(b) **Successor members.** (1) Nominations for successor members of the committee, and their respective alternates, shall be made at meetings of growers and handlers in each district. Such meetings shall be held at such times (on or before February 15 of each year) and places as the committee shall designate. Such nominations shall be submitted promptly to the Secretary by the committee. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of such meetings.

(2) Only growers who are present at such nomination meetings, or represented at such nomination meetings by duly authorized agents, shall partici-

pate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces avocados. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected, in the district in which he handles avocados, which vote shall be weighted by the volume of avocados shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 969.23 Selection. From the nominations made pursuant to § 969.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 969.24 Failure to nominate. If nominations are not made within the time and in the manner prescribed in § 969.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 969.20.

§ 969.25 Acceptance. Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 969.26 Vacancies. To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 969.22 and 969.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 969.20.

§ 969.27 Alternate members. An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 969.28 Powers. The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 969.29 Duties. The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times at the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate growing and maturity conditions of avocados, and to assemble data in connection therewith;

(i) To engage in such research relating to the determination of maturity and grade standards for avocados as may be approved by the Secretary;

(j) To submit to the Secretary such available information as he may request;

(k) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(l) To give the Secretary the same notice of meetings of the committee as is given to its members;

(m) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee; *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee; and

(n) To investigate compliance with the provisions of this part.

§ 969.30 Procedure. (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring

votes: *Provided*, That at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 969.31 Expenses and compensation. The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall also receive compensation, as determined by the committee, which shall not exceed \$10 per day or portion thereof spent in performing such duties.

§ 969.32 Annual report. The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary, and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review, by districts, of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the avocado industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 969.40 Expenses. The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 969.41.

§ 969.41 Assessments. (a) Each person who first handles avocados shall, with respect to the avocados so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of avocados handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of avocados so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred: *Provided*, That, in no case, shall the rate of assessment exceed 10 cents per 55-pound box, or an equivalent quantity, of avocados. Such increase shall be applied to all avocados handled during the applicable fiscal year. In order to provide

funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

§ 969.42 Accounting. (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATIONS

§ 969.50 Recommendations for regulation. (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of avocados grown in District 1 or District 2 in the manner provided in § 969.51, it shall so recommend to the Secretary.

(b) In arriving at its recommendations pursuant to paragraph (a) of this section, the committee shall give consideration to such of the following factors as may be applicable: (1) The estimated total production and shipments of each variety of avocados, including avocados grown in other areas; (2) the time of bloom and growing conditions during the development of the crop; (3) the quality of the avocado crop; (4) the anticipated demand for avocados; and (5) other available information having a bearing on the market for avocados. With each recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

§ 969.51 Issuance of regulations. (a) The Secretary shall regulate, in the manner specified in this section, the handling of avocados whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, prior to such time as shall be specified, the handling of any size or sizes of any variety or varieties of avocados grown in District 1 or District 2; and

(2) Prohibit the handling of any variety or varieties of avocados grown in District 1 or District 2 which do not meet such quality and maturity standards as shall be prescribed.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 969.52 Modification, suspension, or termination of regulations. (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 969.51 should be modified, suspended or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of avocados in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 969.53 Exemption certificate. Whenever a regulation is in effect pursuant to paragraph (a) of § 969.51, the committee shall issue one or more exemption certificates to any person who furnishes proof, satisfactory to the committee, that his avocados of a particular variety are mature prior to the time such variety may be handled under such regulation. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, only that portion of his avocados of the particular variety which the committee has determined to be mature. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the avocados covered thereunder may be handled. Exemption certificates shall be transferred to the handler of the avocados covered by such certificates at the time the avocados are delivered to such handler.

§ 969.54 Inspection and certification. Whenever the handling of any variety of avocados is regulated pursuant to § 969.51, each handler who handles avocados shall, prior thereto, cause each lot of avocados handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required whenever the avocados previously have been so inspected and certified. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee

a copy of the certificate of inspection with respect to such handling.

§ 969.55 Avocados not subject to regulations. Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 969.41, 969.51, and 969.54, and the regulations issued thereunder, handle avocados (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for export other than to Canada; (d) for commercial processing into products; or (e) in such minimum quantities or types of shipments as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent avocados handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle avocados pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the avocados will not be used for any purpose not authorized by this section.

§ 969.60 Reports. (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of avocados he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to § 969.55; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 969.61 Compliance. Except as provided in this part, no person shall handle avocados, the shipment of which have been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle avocados except in conformity with the provisions of this part and the regulations issued under this part.

§ 969.62 Right of the Secretary. The members of the committee (including successors and alternates), and any agents, employees, or representatives

thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 969.63 Effective time. The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 969.64.

§ 969.64 Termination. (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of avocados for market: *Provided*, That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1956, conduct a referendum of producers and a poll of handlers to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1956, were engaged in producing avocados for market and the poll shall be confined to handlers who handled avocados in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of avocados handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 969.65 Proceedings after termination. (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged

by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 969.66 Effect of termination or amendment. Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 969.67 Duration of immunities. The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 969.68 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 969.69 Derogation. Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 969.70 Personal liability. No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 969.71 Separability. If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part

or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Order Directing That Referendum Be Conducted; Designation of Agents To Conduct Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1953, through March 31, 1954 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the counties of Brevard, Osceola, Polk, Hillsborough, and Pinellas in the State of Florida and that portion of the State of Florida situated south of such counties, in the production of avocados for market to ascertain whether such producers favor the issuance of an order regulating the handling of avocados grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. M. F. Miller and G. A. Nahstoll, of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C. Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

[F. R. Doc. 54-3614; Filed, May 13, 1954; 8:53 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 152]

[Docket No. R-136]

APPLICATION FOR EXEMPTION FROM CERTAIN PROVISIONS OF NATURAL GAS ACT

NOTICE OF EXTENSION OF TIME

MAY 7, 1954.

Promulgation of Part 152 of the Commission's general rules and regulations to govern the filing of applications for exemption from jurisdiction under the Natural Gas Act pursuant to Public Law No. 323, 83d Congress, 2d Session, approved March 27, 1954, 68 Stat. 36.

Upon consideration of the request, filed May 7, 1954, on behalf of the National

Association of Railroad and Utilities Commissioners, for an extension of time for filing comments in the above-designated matter;

Notice is hereby given that an extension of time to and including June 25, 1954, is granted for submitting data, views and comments prescribed by para-

graph 7 of the notice of proposed rule making dated April 7, 1954 (19 F. R. 2124).

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3578; Filed, May 13, 1954; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER NO. 53; AMENDED

APRIL 30, 1954.

Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), Nevada Small Tract Classification Order No. 53, dated February 17, 1950, is hereby amended to permit sales to lessees in accordance with the provisions of the regulations contained in 43 CFR 257.13 at the appraised value of \$250 per tract in the $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$ Section 16 and \$175 per tract in the remainder of the $SW\frac{1}{4}$ Section 16. Lands affected by this amendment are described as:

T. 22 S., R. 61 E., M. D. M.,
Sec. 16, $SW\frac{1}{4}$.

[SEAL]

E. I. ROWLAND,
Regional Chief,
Division of Lands.

[F. R. Doc. 54-3569; Filed, May 13, 1954; 8:45 a. m.]

Geological Survey

CRYSTAL RIVER, COLORADO

POWER SITE CLASSIFICATION NO. 431

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 C. F. R. 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 88 W.,
Sec. 20, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 21, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 28, lot 1, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 29, $N\frac{1}{2}NE\frac{1}{4}$;
Sec. 32, $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 33, lots 4, 5, 6, 10, 12, 13, 15 and 16.

T. 10 S., R. 88 W.,
Sec. 4, lots 1 and 4, $S\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 8, lots 1, 8, 9 and 16;
Sec. 9, lots 2 and 3, $S\frac{1}{2}NW\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}$;
Sec. 16, lot 2 and $W\frac{1}{2}NW\frac{1}{4}$;
Sec. 17, $N\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$ and $S\frac{1}{2}NW\frac{1}{4}$;
Sec. 18, $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 30, $SE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 31, $SE\frac{1}{4}SW\frac{1}{4}$ and $SE\frac{1}{4}$;
Sec. 32, $N\frac{1}{2}NW\frac{1}{4}$.
T. 11 S., R. 88 W.,
Sec. 5, lots 4 and 5 and $NW\frac{1}{4}NW\frac{1}{4}$;
Sec. 6, lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17 and 18, $E\frac{1}{2}SW\frac{1}{4}$ and $SE\frac{1}{4}$;
Sec. 7, lots 2, 3 and 4, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 17, $SW\frac{1}{4}NW\frac{1}{4}$ and $SW\frac{1}{4}$;
Sec. 18, lot 1, $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$ and $SE\frac{1}{4}$;
Sec. 19, $NE\frac{1}{4}NE\frac{1}{4}$;
Sec. 20, $NE\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$ and $NW\frac{1}{4}$;
Sec. 21, $NW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 22, $S\frac{1}{2}SW\frac{1}{4}$ and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11 and 14, and $S\frac{1}{2}SE\frac{1}{4}$;
Sec. 26, lots 1, 2, 3, 4 and 5 and $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 27, $N\frac{1}{2}S\frac{1}{2}$;
Sec. 28, lots 1, 2, 3, 4 and 5 and $SW\frac{1}{4}NE\frac{1}{4}$;
Sec. 29, lot 1;
Sec. 36, lot 4.

The area described aggregates 5,870.95 acres.

Dated: May 5, 1954.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 54-3586; Filed, May 13, 1954; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7813, 8227; FCC 54-576]

PERTH AMBOY BROADCASTING CO. AND UNION BROADCASTING CO.

ORDER RETURNING APPLICATION TO HEARING DOCKET

In re application of James Stolez d/b as Perth Amboy Broadcasting Company, Perth Amboy, New Jersey, Docket No. 7813, File No. BP-5101; Union Broadcasting Company, Elizabeth, New Jersey, Docket No. 8227, File No. BP-5893; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of May 1954;

The Commission having under consideration the above-entitled application of James Stolez, d/b as Perth Amboy Broadcasting Company requesting a construction permit for a new standard

NOTICES

broadcast station to operate on 1510 kc with a power of 250 watts, daytime only, at Perth Amboy, New Jersey, and a petition filed on April 6, 1954 by James Stolz requesting the Commission to reconsider its action of March 17, 1954, dismissing the above-entitled application of James Stolz for lack of prosecution and to reinstate said application;

It appearing that by order dated March 17, 1954, the Commission pursuant to § 1.381 of the rules dismissed the above-entitled Perth Amboy application for lack of prosecution resulting from the applicant's failure to reply to correspondence;

It further appearing that from information set forth in the April 6, 1954 petition, petitioner did not receive the Commission's correspondence due to a change of mailing address and that the petitioner desires to prosecute the application in issue;

It is ordered, That the above-described petition of James Stolz is granted, that the Commission's action of March 17, 1954, dismissing the above-described application of James Stolz is rescinded and that the same application is reinstated and returned to the Hearing Docket.

Released: May 7, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3603; Filed, May 13, 1954;
8:52 a. m.]

[Docket Nos. 8694, 8730, 8840; FCC 54M-618]

WESTINGHOUSE BROADCASTING CO., INC.,
ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Westinghouse Broadcasting Company, Inc., Pittsburgh, Pennsylvania, Docket No. 8694, File No. BPCT-221; WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for construction permits for new television stations.

Pittsburgh Radio Supply House, Inc., having made a written request to the Commission for a continuance of the hearing conference in the above-entitled matter from May 7, 1954, to May 13, 1954; and

It appearing that the continuance is necessitated by circumstances beyond the control of Pittsburgh Radio Supply House, Inc.; and

It further appearing that counsel for all parties including the Broadcast Bureau have consulted with counsel for Pittsburgh Radio Supply House, Inc., and have agreed to such continuance;

It is accordingly ordered, This 6th day of May 1954, that hearing conference pursuant to § 1.841 of the Commission's rules in the above-entitled matter be

and it hereby is continued from May 7, 1954, to May 13, 1954, at 10:00 a. m., d. s. t., in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3604; Filed, May 13, 1954;
8:52 a. m.]

[Docket Nos. 10719, 10720, 10993; FCC
54M-629]

WHITE RADIO CO. ET AL.

ORDER CONTINUING HEARING

In re applications of W. Erle White, tr/as White Radio Company, Wichita Falls, Texas, Docket No. 10719, File No. BP-8615; Lawton Broadcasting Company, Lawton, Oklahoma, Docket No. 10720, File No. BP-8689; Progressive Broadcasting Company, Lawton, Oklahoma, Docket No. 10993, File No. BP-9122; for construction permits.

It being impossible for the Examiner to undertake hearing in the above-entitled matter, on the scheduled date, in view of his present work schedule: *It is ordered*, On the Examiner's own motion that hearing in the above matter is continued from 10:00 a. m., May 12, 1954, to 10:00 a. m., May 28, 1954.

Dated: May 10, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3606; Filed, May 13, 1954;
8:52 a. m.]

[Docket No. 10922; FCC 54M-621]

FELIX BRUNEY

ORDER CONTINUING HEARING

In re application of Felix Bruney, Aransas Pass, Texas; Docket No. 10922; order to show cause why the license for Radiotelephone Station WE-3796 should not be revoked.

The Commission having under consideration a motion filed by the Safety and Special Radio Services Bureau, Federal Communications Commission, requesting a continuance of the hearing in the above-entitled matter presently scheduled for May 7, 1954, at Washington, D. C., until a date later to be specified; and

It appearing that additional time is required to afford the licensee an opportunity to comply with the Commission's request of April 21, 1954, to submit an affidavit of the licensee's secretary tending to show that timely response was made to the official violation notices of the Commission;

It is ordered, This 6th day of May 1954, that the motion be, and it is hereby granted, and that the hearing in the

above-entitled proceeding is hereby continued until further date.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3607; Filed, May 13, 1954;
8:52 a. m.]

[Docket No. 10926; FCC 54M-620]

SPENTONBUSH FUEL TRANSPORTATION
SERVICE, INC.

ORDER CONTINUING HEARING

In re application of Spentonbush Fuel Transportation Service, Inc., Brooklyn, New York; Docket No. 10926; order to show cause why the license for radiotelephone station WE-5512 should not be revoked.

The Commission having designated the above-entitled matter for a hearing to be held in its offices in Washington, D. C., at 10:00 o'clock a. m. on Friday, May 7, 1954; and

It appearing that on May 5, 1954 a motion was filed on behalf of the Safety and Special Radio Services Bureau, Federal Communications Commission, requesting the said Commission to dismiss the said proceeding in the above-entitled matter; and

It further appearing that no action is expected to be taken on the said motion on or before May 7, 1954;

It is ordered, By the Commission, on its own motion, this 6th day of May 1954, that the said hearing be continued without date.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3608; Filed, May 13, 1954;
8:52 a. m.]

[Docket No. 11018; FCC 54-578]

FARM AND HOME BROADCASTING CO.
(WFRM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Farm and Home Broadcasting Company (WFRM), Coudersport, Pennsylvania, Docket No. 11018, File No. BP-9058; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of May 1954;

The Commission having under consideration the above-entitled application for construction permit to increase the power of Station WFRM, Coudersport, Pennsylvania, from 500 watts to 1 kilowatt on 600 kilocycles, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WFRM as proposed, but that the application may involve interference with

Station WCAO, Baltimore, Maryland; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated March 24, 1954, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a reply dated March 31, 1954; and

It further appearing that the Monumental Radio Company, licensee of Station WCAO, Baltimore, Maryland, in a reply dated April 5, 1954, requested that the subject application be designated for hearing and that the Monumental Radio Company be made a party thereto; and

It further appearing that the Commission, after consideration of the replies, is still unable to conclude that a grant would be in the public interest, and moreover, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WFRM, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WFRM would involve objectionable interference with Station WCAO, Baltimore, Maryland, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

It is further ordered, That the Monumental Radio Company, licensee of Station WCAO, Baltimore, Maryland, is made a party to the proceeding.

Released: May 7, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3609; Filed, May 13, 1954;
8:52 a. m.]

[Docket No. 11021]

WISCONSIN TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC
HEARING

In the matter of the application of Wisconsin Telephone Company, Docket No. 11021, File No. P-C-3437; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of the Van Dyne Telephone Company, Van Dyne, Wisconsin.

The Commission having under consideration an application filed by Wisconsin Telephone Company for a

certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Wisconsin Telephone Company of certain telephone plant and properties of Van Dyne Telephone Company, a corporation, furnishing telephone service in and around Van Dyne, Wisconsin, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 7th day of May 1954, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 14th day of June 1954, and that a copy of this order shall be served upon Wisconsin Telephone Company, Public Service Commission of Wisconsin, Van Dyne Telephone Company, the Governor of the State of Wisconsin, and the Postmaster of Van Dyne, Wisconsin;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Van Dyne, Wisconsin, and shall furnish proof of such publication at the hearing herein.

Released: May 10, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-3610; Filed, May 13, 1954;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6557]

MONTANA POWER CO.

NOTICE OF SUPPLEMENTAL ORDER

MAY 10, 1954.

Notice is hereby given that on May 5, 1954, the Federal Power Commission issued its order adopted May 5, 1954, authorizing issuance of first mortgage bonds and preferred stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3573; Filed, May 13, 1954;
8:46 a. m.]

[Docket No. E-6559]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE
OF PREFERRED STOCK AND FIRST MORTGAGE
BONDS

MAY 10, 1954.

Notice is hereby given that on May 10, 1954, the Federal Power Commission issued its order adopted May 7, 1954, authorizing issuance of preferred stock

and first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3574; Filed, May 13, 1954;
8:46 a. m.]

[Docket No. G-2362]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF FINDINGS AND ORDER

MAY 10, 1954.

Notice is hereby given that on May 6, 1954, the Federal Power Commission issued its order adopted May 5, 1954, issuing certificate of public convenience and necessity and granting permission and approval to abandon facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3575; Filed, May 13, 1954;
8:46 a. m.]

[Docket No. G-2384]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

MAY 10, 1954.

Notice is hereby given that on May 6, 1954, the Federal Power Commission issued its order adopted May 5, 1954, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3576; Filed, May 13, 1954;
8:46 a. m.]

[Docket No. G-2417]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

MAY 11, 1954.

Take notice that Mississippi River Fuel Corporation (Applicant), a Delaware corporation with its principal office at 407 North Eighth Street, St. Louis, Missouri, filed, on April 30, 1954, and supplemented on May 6, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a tap connection to its main transmission line No. 1, together with metering and regulating facilities, in Jefferson County, Missouri, for the purpose of delivering on an interruptible basis natural gas in an estimated daily average amount of 10,000 to 12,000 Mcf for use as a raw material in an ammonia plant which Applicant proposes to construct and operate.

The application states that construction of the facilities involved is proposed to be started in time to permit the commencement of service to Applicant's proposed ammonia plant estimated to be completed by November 1955. It further states that natural gas will be the essential basic raw material for the pro-

posed ammonia plant and that it is necessary, therefore, that a certificate authorization be obtained from the Commission before plant construction is begun.

The application recites that the subject ammonia plant is designed to produce, synthetically, fixed nitrogen in three forms: Ammonia, nitric acid, and ammonium nitrate. The application alleges that the production of the proposed plant, which is estimated at 200 tons per day, will alleviate considerably the serious shortage of anhydrous ammonia in the local and regional fertilizer market, while the productive capacity and the strategic location of the plant will contribute appreciably to the potential source of supply of nitrogen considered vitally necessary in time of national emergency by the United States Office of Defense Mobilization.

Applicant estimates the cost of the proposed tap connection and metering and regulating facilities at \$16,150, and estimates the annual cost of supplying interruptible gas on a daily average of 10,000 Mcf to the proposed ammonia plant at \$661,997.

The application alleges that the proposed interruptible service to the plant will increase the load factor on Applicant's system and will not impair Applicant's ability to render firm service to its utility customers. The application states that the presently designed sales capacity of Applicant's pipe-line system is approximately 450,000 Mcf of gas per day, of which amount 415,000 Mcf per day are made available to utility customers for resale when required by such customers.

Applicant requests that its application be considered under the Commission's shortened procedure rule (18 CFR 1.32 (b)), and, accordingly, waives all rights to intermediate decision and hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 28th day of May, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3616; Filed, May 13, 1954;
8:53 a. m.]

[Project No. 2056]

NORTHERN STATES POWER CO.

NOTICE OF ORDER AMENDING LICENSE TO
FIX ANNUAL CHARGES FOR USE OF GOV-
ERNMENT DAM

MAY 10, 1954.

Notice is hereby given that on May 7, 1954, the Federal Power Commission issued its order adopted May 5, 1954, amending license to fix annual charges for use of government dam in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-3577; Filed, May 13, 1954;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3222]

COLUMBIA GAS SYSTEM, INC., AND ATLANTIC
SEABOARD CORP.

ORDER AUTHORIZING ISSUANCE AND SALE OF
COMMON STOCK AND INSTALLMENT NOTES
BY SUBSIDIARY AND ACQUISITION THEREOF
BY PARENT

MAY 7, 1954.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and one of its wholly owned subsidiary companies, Atlantic Seaboard Corporation ("Seaboard"), have filed a joint application-declaration pursuant to sections 6 (a) (2), 6 (b), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 thereunder with respect to the following transactions:

Seaboard proposes to increase its authorized common stock, \$25 par value, from 1,000,000 to 1,080,000 shares and to issue and sell to Columbia 237,000 shares of such stock at a price equivalent to the par value thereof aggregating \$5,925,000.

Seaboard also proposes to issue and sell to Columbia \$8,125,000 principal amount of -- percent Installment Promissory Notes which will be payable in 25 equal annual installments on February 15 of each of the years 1956 to 1980 inclusive. Interest on the unpaid principal amount of the notes is to be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of $\frac{1}{8}$ of 1 percent, as shall be not less than the "cost of money" to Columbia in respect of its next sale of Senior Debentures.

Seaboard proposes to first issue and sell its common stock when and as funds are required by it up to a maximum amount of \$5,925,000, and thereafter Seaboard will sell its installment notes to Columbia up to a maximum amount of \$8,125,000. However, none of the common stock or installment notes will be sold or purchased subsequent to March 31, 1955.

The proceeds from the sale of the common stock and notes will be used by Seaboard for the construction of property additions and improvements.

The fees and expenses in connection with the proposed transactions are estimated to aggregate \$15,855 of which \$15,455 is attributable to the Federal original issue tax. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order be made effective upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered. Pursuant to Rule U-23 and the applicable provisions of said Act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54-3583; Filed, May 13, 1954;
8:48 a. m.]

[File No. 812-673]

INVESTORS STOCK FUND, INC., AND IN-
VESTORS SYNDICATE OF AMERICA, INC.

NOTICE OF FILING OF APPLICATION TO PER-
MIT SALE OF SECURITIES TO AFFILIATE AT
NET ASSET VALUE

MAY 10, 1954.

Notice is hereby given that Investors Stock Fund, Inc. ("Stock Fund"), a registered open-end diversified investment company, and Investors Syndicate of America, Inc. ("Investors Syndicate"), a registered face-amount certificate investment company, have filed a joint application pursuant to sections 6 (c), 17 (a), 17 (b) and 22 (d) of the act regarding the sale by the applicants of securities to a retirement trust to be created by Investors Syndicate Title and Guarantee Co. ("Title Company"), an affiliated person of the applicants. Title Company which is a face-amount certificate investment company engaged in selling its securities only in the State of New York is exempt from registration under the act pursuant to the provisions of section 6 (c) (5) thereof.

Investors Diversified Services, Inc. ("IDS"), a registered face-amount certificate investment company, owns all the outstanding common stock of, and controls, Title Company and Investors Syndicate. IDS is the promoter and investment adviser of Stock Fund and principal underwriter of its common stock. All of the companies named have certain interlocking officers and directors.

Title Company proposes to adopt a retirement plan for its own employees, to which it will contribute funds covering the past and future services of its employees who become eligible to participate in the plan under the terms thereof. In addition, such eligible employees will make mandatory contributions to the plan. The plan provides that only those officers of Title Company whose salaries are paid by Title Company may participate in the plan. Funds contributed under the plan will be placed in trust and will be invested in the common stock of Stock Fund and fully paid face-amount Series B certificates of Investors Syndicate. It is estimated that the maximum amount to be invested in such securities, exclusive of reinvestment of income, will be approximately \$16,000 per annum for the next ten years.

Section 17 (a) of the act prohibits an affiliated person (Stock Fund and Investors Syndicate) of a registered investment company (IDS) knowingly to sell any security or other property to any

company (Title Company) controlled by such registered investment company (IDS) unless an order exempting the proposed transaction has been entered by the Commission pursuant to section 17 (b) of the act. Section 17 (b) provides that the Commission shall enter an exemptive order if it shall find that "the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned", and that the transactions are consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the act and are consistent with the general purposes of the act. The applicants seek such an exemptive order with respect to the proposed transactions.

Shares of Stock Fund common stock are to be sold at their net asset value and the Series B face-amount certificates of Investors Syndicate will be sold without the imposition of any sales load. Section 22 (d) prohibits the sale of redeemable securities of registered investment companies below the current public offering price described in the prospectus, except in certain instances not here pertinent. The current public offering price described in Stock Fund's prospectus includes a sales load in addition to the net asset value of such shares. Stock Fund therefore seeks exemption, pursuant to the provisions of section 6 (c) of the act, from the prohibition contained in section 22 (d) of the act, section 6 (c) of the act provides, among other things, that the Commission may exempt by order any transaction from the provisions of the act "if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the" act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the joint application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than May 25, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the joint application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 54-3584; Filed, May 13, 1954;
8:48 a. m.]

No. 94—3

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29228]

ANHYDROUS AMMONIA FROM PRYOR, OKLA.,
TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Pryor, Okla.

To: Points in southern territory including points in West Virginia, Virginia and Ohio River crossings.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 156.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3589; Filed, May 13, 1954;
8:49 a. m.]

[4th Sec. Application 29229]

FERTILIZER COMPOUNDS AND RELATED ARTICLES FROM PRYOR, OKLA., TO SOUTHERN AND ILLINOIS TERRITORIES, INCLUDING MISSISSIPPI AND OHIO RIVER CROSSINGS

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds and related articles, carloads.

From: Pryor, Okla.

To: Points in southern and Illinois territories, including Mississippi and Ohio River crossings.

Grounds for relief: Rail competition, circuitry, market competition, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 156.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3590; Filed, May 13, 1954;
8:49 a. m.]

[4th Sec. Application 29230]

GRAVEL FROM CAYUGA AND STANDARD PIT, IND., TO WATSEKA, ILL.

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Chicago & Eastern Illinois Railroad Company.

Commodities involved: Gravel, carloads.

From: Cayuga and Standard Pit, Ind. To: Watseka, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: Chicago & Eastern Illinois Railroad Company, I. C. C. No. 144, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3591; Filed, May 13, 1954;
8:49 a. m.]

[4th Sec. Application 29231]

PLASTER, PLASTERBOARD AND RELATED
ARTICLES FROM SIGURD, UTAH, TO MONTANA

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.
Commodities involved: Plaster, plasterboard and related articles, carloads.
From: Sigurd, Utah.

To: Points in Montana.
Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Denver and Rio Grande Western Railroad Company, I. C. C. No. 928, supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3592; Filed, May 13, 1954;
8:49 a. m.]

[4th Sec. Application 29232]

GRAIN PRODUCTS FROM POINTS IN WESTERN
TRUNK-LINE TERRITORY TO POINTS IN
KANSAS

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.
From: Points in western trunk-line territory.

To: De Freese, Muncie, Okay, Edwardsville, Sunflower, and Bonner Springs, Kans.

Grounds for relief: Rail competition, circuitry, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-4021, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3593; Filed, May 13, 1954;
8:50 a. m.]

[4th Sec. Application 29233]

LIQUID CAUSTIC SODA FROM MCINTOSH,
ALA., TO FOLEY, FLA.

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Caustic soda, liquid, in tank-car loads.

From: McIntosh, Ala.
To: Foley, Fla.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1295, supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is

found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3594; Filed, May 13, 1954;
8:50 a. m.]

[4th Sec. Application 29234]

ETHYLENE GLYCOL FROM PORT NECHES
AND ORANGE, TEX., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ethylene glycol, in tank-car loads.

From: Port Neches and Orange, Tex.
To: Chicago, Ill., and points taking same rates.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3595; Filed, May 13, 1954;
8:50 a. m.]

[4th Sec. Application 29235]

ETHYLENE GLYCOL FROM ORANGE AND
PORT NECHES, TEX., TO CHICAGO

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ethylene glycol, in tank-car loads.

From: Port Neches and Orange, Tex.
To: Chicago, Ill., and points taking same rates.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4064, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3596; Filed, May 13, 1954;
8:50 a. m.]

[4th Sec. Application 29236]

SCRAP PAPER FROM CLYATTVILLE AND
ESKAY, GA., TO POINTS IN OFFICIAL,
ILLINOIS, AND WESTERN TRUNK-LINE
TERRITORIES

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper scrap or waste, carloads.

From: Clyattville and Eskay, Ga.

To: Points in official, Illinois, and western trunk-line territories.

Grounds for relief: Rail competition, circuitry, to maintain grouping, to apply rates constructed on the short line distance formula, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1377, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters in-

involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3597; Filed, May 13, 1954;
8:50 a. m.]

[4th Sec. Application 29237]

MOLDING SAND FROM ATTALLA AND
GADSDEN, ALA., TO JACKSON, OHIO

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, molding, bonded, carloads.

From: Attalla and Gadsden, Ala.

To: Jackson, (Jackson County), Ohio.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3598; Filed, May 13, 1954;
8:50 a. m.]

[4th Sec. Application 29238]

LIMESTONE FROM ROCKWOOD, ALA., TO ST.
LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of Southern Railway Company, pursuant to fourth-section order No. 16101.

Commodities involved: Limestone, ground or pulverized, carloads.

From: Rockwood, Ala.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Rail competition, circuitry, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3599; Filed, May 13, 1954;
8:51 a. m.]

[4th Sec. Application 29239]

PROPORTIONAL RATES; NEWSPRINT PAPER
TO OKLAHOMA AND ARKANSAS FROM ST.
LOUIS, MO., EAST ST. LOUIS, ILL., AND
UPPER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

MAY 11, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Newsprint paper, carloads.

From: St. Louis, Mo., East St. Louis, Ill., and upper Mississippi River crossings (applicable on traffic at Espanola, Ontario, Canada).

To: Fort-Smith, Ark., Tulsa and Oklahoma City, Okla.

Grounds for relief: Competition with rail carriers, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, supp. 223. F. C. Kratzmeir, Agent, I. C. C. No. 4053, supp. 46.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect

to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-3600; Filed, May 13, 1954;
8:51 a. m.]